

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

**PATENT APPLICATION**

Appellants: **Hosea, et al.** Case: **SEDN/PRED123**  
Serial No.: **09/558,755** Examiner: **Andre D. Boyce**  
Filed: **April 21, 2000** Group Art Unit: **3623**  
Confirmation #: **9034**  
Title: **METHOD AND SYSTEM FOR WEB USER PROFILING AND  
SELECTIVE CONTENT DELIVERY**

MAIL STOP APPEAL BRIEF-PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

**APPEAL BRIEF**

Appellants submit this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 3623 mailed July 9, 2007 finally rejecting claims 1-3, 7-10, 13-22, 24-38, 42, 43 and 46-63.

In the event that an extension of time is required for this appeal brief to be considered timely, and a petition therefor does not otherwise accompany this appeal brief, any necessary extension of time is hereby petitioned for.

The Commissioner is authorized to charge the Appeal Brief fee **(\$510)** and any other fees due to make this filing timely and complete (including extension of time fees) to Deposit Account No. 20-0782/SEDN/PRED123.

## **Table of Contents**

1.	Identification Page.....	1
2.	Table of Contents .....	2
3.	Real Party in Interest .....	3
4.	Related Appeals and Interferences .....	4
5.	Status of Claims .....	5
6.	Status of Amendments .....	6
7.	Summary of Claimed Subject Matter .....	7
8.	Grounds of Rejection to be Reviewed on Appeal .....	11
9.	Arguments .....	12
10.	Conclusion .....	18
11.	Claims Appendix .....	19
12.	Evidence Appendix .....	28
13.	Related Proceedings Appendix .....	29

**Real Party in Interest**

The real party in interest is SEDNA PATENT SERVICES, LLC.

### **Related Appeals and Interferences**

Appellants assert that no appeals or interferences are known to Appellants, Appellants' legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **Status of Claims**

Claims 1-3, 7-10, 13-22, 24-38, 42, 43 and 46-63 are pending in the application. Claims 1-63 were originally presented in the application. Claims 4-6, 11-12, 23, 39-41 and 44-45 were cancelled without prejudice. Claims 1-3, 13, 22, 25-26, 31-32, 36-38, 46, 53 and 56 have been amended. Claims 1-3, 7-10, 13-22, 24-38, 42, 43 and 46-63 stand finally rejected as discussed below. The final rejection of claims 1-3, 7-10, 13-22, 24-38, 42, 43 and 46-63 is appealed.

### **Status of Amendments**

All claim amendments have been entered.

### **Summary of Claimed Subject Matter**

Embodiments of the present invention generally are directed to a method and system for anonymously profiling web users. Information may be anonymously collected at the users' point of connection to the Internet. As a result, targeted content may be delivered to users based upon the users' web profiles.

For the convenience of the Board of Patent Appeals and Interferences, Appellants' independent claims 1, 22, 31, 32, 53 and 56 are presented below in claim format with elements reading on the various figures of the drawings and appropriate citations to at least one portion of the specification for each element of the appealed claims.

Claim 1 positively recites (with reference numerals, where applicable and cites to at least one portion of the specification added):

1. A method of profiling a Web user, comprising:  
providing profiles on a plurality of Web sites (12) (see e.g. Appellants' specification, p. 8, ll. 4-7);  
using a computer (16) to monitor user access to said plurality of Web sites (12) by identifying the URL requests made by the user at the Internet Service Provider (ISP) point of presence (POP) (see e.g. Appellants' specification, p. 6, ll. 6-8; p. 7, ll. 12-13); and  
using a computer (16) to develop a profile of the user by inferring user demographics based on the profiles of the Web sites (12) accessed by the user (see e.g. Appellants' specification, p. 7, l. 21 – p. 8, l. 11).

Claim 22 positively recites (with reference numerals, where applicable and cites to at least one portion of the specification added):

22. A computer (16) for profiling a Web user, comprising:  
a memory for storing a program (see e.g. Appellants' specification, p. 6, ll. 10-12);  
a processor operative with the program to:

(a) monitor user access to a plurality of Web sites (12) (see e.g. Appellants' specification, p. 7, ll. 12-13); and

(b) develop a profile of the user by inferring demographics of the user based on predetermined profiles of the Web sites (12) accessed by the user (see e.g. Appellants' specification, p. 7, l. 21 – p. 8, l. 11); and

an Internet Service Provider (ISP) point of presence (POP) server (16).

Claim 31 positively recites (with reference numerals, where applicable and cites to at least one portion of the specification added):

31. A system for profiling a Web user and delivering selective advertising to the user, comprising:

a database (34) containing profile data on a plurality of Web sites (12) (p. 8, l. 12);

means for monitoring user access to said plurality of Web sites (12) by identifying the Uniform Resource Locator (URL) requests made by the user at the Internet Service Provider (ISP) point of presence (POP) (see e.g. Appellants' specification, p. 7, ll. 12-13);

means for developing a profile of the user by inferring demographics of the user using profile data of the Web sites (12) accessed by the user (see e.g. Appellants' specification, p. 7, l. 21 – p. 8, l. 11);

means for matching (18) the user with an advertisement based on the developed user profile (see e.g. Appellants' specification, p. 22, ll. 1-8); and

means for delivering (18) said advertisement to the user profile (see e.g. Appellants' specification, p. 22, ll. 1-8).

Claim 32 positively recites (with reference numerals, where applicable and cites to at least one portion of the specification added):

32. A system for inferring a profile of a person using a client computer for Web surfing, and delivering selective advertising to the person based on his or her profile, comprising:

a local server computer (16) linked to said client computer (10) for providing Internet access (14), said local computer (16) including:

means for monitoring user access to a plurality of Web sites (12) by identifying the Uniform Resource Locator (URL) requests made by the user at the Internet Service Provider (ISP) point of presence (POP) (see e.g. Appellants' specification, p. 7, ll. 12-13),

means for developing a profile of the person by inferring demographics of the person based on predetermined profile data of the Web sites (12) accessed by the person (see e.g. Appellants' specification, p. 7, l. 21 – p. 8, l. 11), and

means for delivering an advertisement to the client computer (see e.g. Appellants' specification, p. 22, ll. 1-8); and

a remote server computer (18) linked to said local server computer (16) and including:

means for matching an advertisement received from an advertiser to said person based on his or her profile (see e.g. Appellants' specification, p. 22, ll. 1-8), and

means for transmitting said advertisement to said local server computer for eventual transfer to the client computer (see e.g. Appellants' specification, p. 22, ll. 1-8).

Claim 53 positively recites (with reference numerals, where applicable and cites to at least one portion of the specification added):

53. (Previously presented) A computer readable medium comprising a program for profiling a Web user by performing the steps of:

monitoring user access to a plurality of Web sites (12) having predetermined profiles by identifying the Uniform Resource Locator (URL) request made by the user at the Internet Service Provider (ISP) point of

presence (POP) (see e.g. Appellants' specification, p. 6, ll. 6-8; p. 7, ll. 12-13); and

developing a profile of the user by inferring demographics of the user based on the profiles of the Web sites (12) accessed by the user (see e.g. Appellants' specification, p. 7, l. 21 – p. 8, l. 11).

Claim 56 positively recites (with reference numerals, where applicable and cites to at least one portion of the specification added):

56. (Previously presented) A computerized method of profiling Web users and selectively delivering content to said users, comprising:

providing profiles of a plurality of Web sites (12), said profiles including demographic data of persons known to have visited said sites (12) (see e.g. Appellants' specification, p. 8, ll. 4-7);

electronically monitoring each users access of said plurality of Web sites (12) by identifying the Uniform Resource Locator (URL) request made by the user at the Internet Service Provider (ISP) point of presence (POP) (see e.g. Appellants' specification, p. 6, ll. 6-8; p. 7, ll. 12-13);

developing a profile of each user by inferring demographics of the user based on the profiles of the Web sites (12) visited by the user (see e.g. Appellants' specification, p. 7, l. 21 – p. 8, l. 11);

identifying a target group of said users who would be receptive to receiving certain content based on their profiles (see e.g. Appellants' specification, p. 22, ll. 1-8); and

selectively delivering the content to users of that target group (see e.g. Appellants' specification, p. 22, ll. 1-8).

### **Grounds of Rejection to be Reviewed on Appeal**

Claims 1-3, 7-10, 13, 14, 20, 22, 24, 26-38, 42, 43, 46-57, and 62-63 are rejected under 35 U.S.C. §103(a) as being unpatentable over Roth et al. (USPN 6,285,987, hereinafter "Roth") in view of Armbruster et al. (USPN 6,243,760, hereinafter "Armbruster"), in further view of Bull et al. (USPN 6,208,975, hereinafter "Bull").

Claims 15-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Roth in view of Armbruster, in further view of Bull, in further view of Sheena et al (USPN 6,049,777, hereinafter "Sheena").

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Roth in view of Armbruster, in further view of Bull, in further view of Eldering (USPN 6,298,348, hereinafter "Eldering").

Claims 21 and 58-61 are rejected under 35 U.S.C. §103(a) as being unpatentable over Roth in view of Armbruster, in further view of Bull, in further view of Park et al. (USPN 6,295,061, hereinafter "Park").

Claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Roth in view of Armbruster in further view of Bull, in further view of Haitsuka et al. (USPN 6,366,298, hereinafter "Haitsuka").

## ARGUMENTS

I. THE EXAMINER ERRED IN REJECTING CLAIMS 1-32 AND 34-42 UNDER 35 U.S.C. §103 BECAUSE 1) ROTH IN VIEW OF ARMBRUSTER AND BULL FAILS TO TEACH OR SUGGEST ALL OF THE CLAIM LIMITATIONS AND 2) ARMBRUSTER CANNOT BE MEANINGFULLY COMBINED WITH ROTH AND BULL.

**35 U.S.C. §103(a) Rejection of Claims 1-3, 7-10, 13, 14, 20, 22, 24, 26-38, 42, 43, 46-57, and 62-63**

Claims 1-3, 7-10, 13, 14, 20, 22, 24, 26-38, 42, 43, 46-57, and 62-63 are rejected under 35 U.S.C. §103(a) as being unpatentable over Roth in view of Armbruster in further view of Bull. The rejection is traversed.

According to MPEP §2143, to establish a *prima facie* case of obviousness under §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Appellants submit that a *prima facie* case of obviousness has not been established because the combination of Roth, Armbruster and Bull fails to teach or suggest all the elements of the claimed invention. Specifically, the combination fails to teach or suggest at least the claimed limitation of using a computer to monitor user access to said plurality of Web sites by identifying the URL requests made by the user at the Internet Service Provider (ISP) point of presence (POP). The Examiner concedes that Roth fails to teach or suggest this limitation in the Office Action. (See Office Action, p. 3, ll. 8-9). However, the Examiner alleges that Armbruster teaches the above limitations.

Appellants respectfully submit that Armbruster fails to teach or suggest at least the limitation of using a computer to monitor user access to said plurality of Web sites by identifying the URL requests made by the user at the Internet Service Provider (ISP) point of presence (POP). First, Armbruster teaches that an ISP caching complex located near an ISP's point of presence is used for the content providers to access its own cacheable files. (See Armbruster, col. 4, l. 1 – col. 5, l. 22). Notably, Armbruster does not teach or suggest monitoring user access to said plurality of Web sites by identifying the URL requests made by the user at the ISP POP. As highlighted above, Armbruster only teaches that an ISP caching complex located near an ISP's POP is used.

In addition, the content provider chooses to whom the content provider's web page may be distributed to based upon choices provided by an ISP. (See *Id.*) Therefore, the caching complex taught by Armbruster cannot be used for profiling a web user based upon monitoring user access to said plurality of Web sites by identifying the URL requests made by the user at the Internet Service Provider (ISP) point of presence (POP).

To illustrate, Armbruster at best can only be used monitor which files a user access from a single website. The URL's depicted by Armbruster are only of the "cacheable items" from the content provider's website. (See Armbruster, col. 4, ll. 45-49). The URL's will only change by the file extension, e.g., http://www.cp1.com/"file name". Consequently, a user may only be tracked through the limited "cacheable items" provided by the content provider.

As a result, Armbruster will provide a less comprehensive user profile because Armbruster may only monitor what cacheable items are selected from a content provider's single website. In contrast, Appellants' invention provides a more comprehensive web user profile because the web user profile is based upon monitoring user access to a plurality of Web sites (i.e. not just "cacheable items" on a single website selected by the content provider). Therefore, Armbruster does not teach or suggest the ability to profile a web user based upon monitoring user access to said plurality of Web sites by identifying the URL requests made by the user at the Internet Service Provider (ISP) point of

presence (POP) because Armbruster teaches the content provider already knows who the web page is being distributed to and only is concerned with those accessing its own website and not monitoring user access to a plurality of Web sites. As taught by Armbruster, The ISP caching complex located near the ISP's point of presence is for accessing a content provider's own files on a single website and not for monitoring user access to said plurality of Web sites by identifying the URL requests made by the user at the Internet Service Provider (ISP) point of presence (POP).

Moreover, Bull fails to bridge the substantial gap left by Roth and Armbruster. Bull also does not teach or suggest at least the limitation of using a computer to monitor user access to said plurality of Web sites by identifying the URL requests made by the user at the Internet Service Provider (ISP) point of presence (POP).

In addition, the Appellants respectfully submit that a *prima facie* case of obviousness is not established because there is no motivation to combine Armbruster with Roth and Bull. Appellants respectfully submit that the art is not as broad as categorized by the Examiner, i.e. "effective storage and retrieval of information". (See Office Action, p. 3, ll. 19-21.) Appellants respectfully submit that the art is much narrower and concerned with the art of profiling web users. Armbruster is not concerned with profiling web users, but rather with information dissemination. In contrast, Roth and Bull address the issue of profiling web users with aggregated information.

The Examiner responds by stating that Armbruster is concerned with the storage of Internet web content at the provider level, which is particularly relevant in determining what sites a viewer has accessed in various periods of time. (See Final Office Action, p. 15, l. 21 – p. 16, l. 1). To the contrary, Armbruster is concerned with the storage of content from a single website of a content provider, which only will provide information as to what "cacheable files" a viewer has accessed in various periods of time from a single particular website and not "sites" as alleged by the Examiner. Therefore, as discussed above, Armbruster, Roth and Bull cannot be meaningfully combined.

The Examiner appears to simply waive his hand at the Appellants last argument by simply asserting that *KSR v. Teleflex* “forecloses” the Appellants’ argument. (See Advisory Action, 10/1/07, page 2). The Examiner has misinterpreted *KSR*, as *KSR* applies a “flexible” TSM test. Under *KSR*, the Examiner is still required to articulate reasons why there is a motivation to combine the references. *KSR v. Teleflex*, 127 S. Ct. 1727, 1741 (2007). The Appellants respectfully submit that the decision in *KSR* is not a sword provided for the Examiner to simply dismiss all arguments against a motivation to combine without articulated reasoning by simply waving *KSR* at the Appellants arguments. Consequently, the Appellants respectfully submit that due to the arguments provided above, and the lack of any reasoning to the contrary provided by the Examiner, that Armbruster, Roth and Bull cannot be meaningfully combined.

Therefore, independent claim 1 is patentable over the combination of Roth, Armbruster and Bull. Furthermore, each of the other independent claims, 22, 31, 32, 53, and 56, recites relevant limitations similar to those recited in independent claim 1. As such, for at least the reasons noted above, claims 22, 31, 32, 53, and 56 are also patentable over Roth, Armbruster and Bull.

Claims 2, 3, 7-10, 13, 14, and 20 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1. Therefore, claims 2, 7-10, 13, 14, and 20 are also patentable over the combination of Roth, Armbruster and Bull.

Claims 24 and 26-30 depend, directly or indirectly, from claim 22 and, thus, inherit the patentable subject matter of claim 22. Therefore, claims 24 and 26-30 are also patentable over the combination of Roth, Armbruster and Bull.

Claims 33-38, 42, 43, 46-52 and 54-55 depend, directly or indirectly, from claim 32 depend, directly or indirectly, from claim 32 and, thus inherit the patentable subject matter of claim 32. Therefore, claims 33-38, 42, 43 and 46-52 are also patentable over the combination of Roth, Armbruster and Bull.

Claims 54-55 depend directly from claim 53 and, thus, inherit the patentable subject matter of claim 53. Therefore, claims 54-55 are also patentable over the combination of Roth, Armbruster and Bull.

Claims 57, 62, and 63 depend, directly or indirectly, from claim 56 and, thus, inherit the patentable subject matter of claim 22. Therefore, claims 57, 62, and 63 are also patentable over the combination of Roth, Armbruster and Bull.

**35 U.S.C. §103(a) Rejection of Claims 15-18**

Claims 15-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Roth in view of Armbruster, in further view of Bull, in further view of Sheena. The rejection is traversed.

Claims 15-18 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1. Sheena adds nothing with regard to the above-mentioned deficiencies of Roth. Therefore, claims 15-18 are patentable over the combination of Roth, Armbruster, Bull and Sheena.

**35 U.S.C. §103(a) Rejection of Claim 19**

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Roth in view of Armbruster, in further view of Bull, in further view of Eldering. The rejection is traversed.

Claim 19 depends from claim 1 and, thus, inherits the patentable subject matter of claim 1. Eldering adds nothing with regard to the above-mentioned deficiencies of Roth, Armbruster and Bull. Therefore, claim 19 is patentable over the combination of Roth, Armbruster, Bull and Eldering.

**35 U.S.C. §103(a) Rejection of Claims 21 and 58-61**

Claims 21 and 58-61 are rejected under 35 U.S.C. §103(a) as being unpatentable over Roth in view of Armbruster, in further view of Bull, in further view of Park. The rejection is traversed.

Claim 21 depends indirectly from claim 1 and, thus, inherits the patentable subject matter of claim 1. Park adds nothing with regard to the above mentioned-deficiencies of Roth, Armbruster and Bull. Therefore, claim 21 is patentable over the combination of Roth, Armbruster, Bull and Park.

Claims 58-61 depend, directly or indirectly, from claim 56 and, thus, inherit the patentable subject matter of claim 56. Park adds nothing with regard to the above mentioned deficiencies of Roth, Armbruster and Bull. Therefore, claims 58-61 are patentable over the combination of Roth, Armbruster, Bull and Park.

**35 U.S.C. §103(a) Rejection of Claim 25**

Claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Roth in view of Armbruster in further view of Bull, in further view of Haitsuka. The rejection is traversed.

Claim 25 depends from claim 22 and, thus, inherits the patentable subject matter of claim 22. Haitsuka adds nothing with regard to the above-mentioned deficiencies of Roth, Armbruster and Bull. Therefore, claim 25 is patentable over the combination of Roth, Armbruster, Bull and Haitsuka.


### CONCLUSION

Thus, Appellants submit that all of the claims presently in the application are allowable under the provision of 35 U.S.C. §103.

For the reasons advanced above, Appellants respectfully urge that the rejection of claims 1-3, 7-10, 13-22, 24-38, 42, 43 and 46-63 is improper. Reversal of the rejection of the Final Office Action is respectfully requested.

Respectfully submitted,

11/29/07  
Date

  
Eamon J. Wall  
Registration No. 39,414  
Patterson & Sheridan, LLP  
Attorneys at Law  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: (732) 530-9404  
Facsimile: (732) 530-9808  
Attorney for Appellant(s)

## CLAIMS APPENDIX

1. (Previously presented) A method of profiling a Web user, comprising:  
providing profiles on a plurality of Web sites;  
using a computer to monitor user access to said plurality of Web sites by identifying the URL requests made by the user at the Internet Service Provider (ISP) point of presence (POP); and  
using a computer to develop a profile of the user by inferring user demographics based on the profiles of the Web sites accessed by the user.
2. (Previously presented) The method of Claim 1 wherein the profile of the user contains data selected from demographic data.
3. (Previously presented) The method of Claim 2 wherein said demographic data is selected from the group consisting of user's age, user's gender, user's income and user's highest attained education level.

Claims 4-6 (Canceled).

7. (Original) The method of Claim 1 wherein the profile of the user contains psychographic data.
8. (Original) The method of Claim 7 wherein said psychographic data includes data on the user's interests.
9. (Original) The method of Claim 1 wherein providing profiles on a plurality of Web sites comprises providing a database associating each of said plurality of Web sites with demographic characteristics of known persons who have accessed said sites.

10. (Original) The method of Claim 9 wherein said database is provided by a Web site ratings service.

11-12 (Canceled).

13. (Previously presented) The method of Claim 12 wherein said Uniform Resource Locator (URL) requests are associated with a user and stored in a database.

14. (Original) The method of Claim 1 wherein developing a profile of a user comprises updating an existing user profile.

15. (Original) The method of Claim 14 wherein developing a profile of a user comprises combining the profiles of the Web sites accessed by the user to the existing user profile using an averaging algorithm.

16. (Original) The method of Claim 15 wherein said user profile includes data on a plurality of demographic categories, each associated with a rating, and the method further comprises filling in a value for the rating for any demographic category having a low confidence measure.

17. (Original) The method of Claim 16 wherein filling in a value comprises using an average rating of persons having similar profiles to that of said user for a category having a low confidence measure.

18. (Original) The method of Claim 17 wherein said average rating is determined using a clustering algorithm.

19. (Original) The method of Claim 1 further comprising erasing records of which Web sites said user has visited after developing the user's profile to protect user privacy.

20. (Original) The method of Claim 1 further comprising delivering selective advertising to said user based on his or her profile.

21. (Original) The method of Claim 20 wherein delivering selective advertising comprises transmitting a pop-up advertisement to a display of a computer operated by the user.

22. (Previously presented) A computer for profiling a Web user, comprising:  
a memory for storing a program;  
a processor operative with the program to:  
    (a) monitor user access to a plurality of Web sites; and  
    (b) develop a profile of the user by inferring demographics of the user based on predetermined profiles of the Web sites accessed by the user; and  
an Internet Service Provider (ISP) point of presence (POP) server.

23. (Canceled).

24. (Original) The computer of Claim 22 further comprising a database associating each of said plurality of Web sites with demographic characteristics of persons accessing said sites, said persons having known demographic characteristics.

25. (Previously presented) The computer of Claim 22 wherein the program includes a sniffer for identifying Uniform Resource Locator (URL) requests made by the user while Web surfing.

26. (Previously presented) The computer of Claim 22 further comprising a database in which the Uniform Resource Locator (URL) requests and associated user information are stored.

27. (Original) The computer of Claim 22 wherein said processor includes means for erasing records of which Web sites said user has visited after developing the user's profile to protect user privacy.

28. (Original) The computer of Claim 22 wherein said processor further transmits selective advertising to said user based on his or her profile.

29. (Original) The computer of Claim 22 wherein said advertising comprises a pop-up advertisement to be displayed on a display of a computer operated by the user.

30. (Original) The computer of Claim 22 wherein said computer cooperates with a computer operated by the user to display an advertisement on a display of the computer operated by the user, said advertisement being selected from a plurality of advertisements based on the profile of the user.

31. (Previously presented) A system for profiling a Web user and delivering selective advertising to the user, comprising:

- a database containing profile data on a plurality of Web sites;

- means for monitoring user access to said plurality of Web sites by identifying the Uniform Resource Locator (URL) requests made by the user at the Internet Service Provider (ISP) point of presence (POP);

- means for developing a profile of the user by inferring demographics of the user using profile data of the Web sites accessed by the user;

- means for matching the user with an advertisement based on the developed user profile; and

- means for delivering said advertisement to the user.

32. (Previously presented) A system for inferring a profile of a person using a client computer for Web surfing, and delivering selective advertising to the person based on his or her profile, comprising:

a local server computer linked to said client computer for providing Internet access, said local computer including:

means for monitoring user access to a plurality of Web sites by identifying the Uniform Resource Locator (URL) requests made by the user at the Internet Service Provider (ISP) point of presence (POP),

means for developing a profile of the person by inferring demographics of the person based on predetermined profile data of the Web sites accessed by the person, and

means for delivering an advertisement to the client computer; and

a remote server computer linked to said local server computer and including:

means for matching an advertisement received from an advertiser to said person based on his or her profile, and

means for transmitting said advertisement to said local server computer for eventual transfer to the client computer.

33. (Original) The system of Claim 32 wherein said local server computer includes a local database containing data associating a plurality of Web sites with predetermined profile data on said sites.

34. (Original) The system of Claim 33 wherein said remote server computer includes a master database containing data associating a plurality of Web sites with predetermined profile data on said sites, and wherein data in said master database is periodically synchronized with said local database.

35. (Original) The system of Claim 32 wherein said local server computer and said remote server computer are linked by an Internet connection.

36. (Previously Presented) The system of Claim 32 wherein said means for delivering an advertisement comprises means for delivering a Uniform Resource Locator (URL) string pointing to the advertisement.

37. (Previously presented) The system of Claim 32 wherein the profile of the person contains data selected from demographic data.

38. (Previously presented) The system of Claim 37 wherein said demographic data is selected from the group consisting of person's age, person's gender, person's income and person's highest attained education level.

39-41 (Canceled).

42. (Original) The system of Claim 32 wherein the profile of the person contains psychographic data.

43. (Original) The system of Claim 42 wherein said psychographic data indicates the person's interests.

44– 45 (Canceled).

46. (Previously presented) The system of Claim 32 wherein the profile of a person is updated by combining the profiles of the Web sites accessed by the person to an existing profile using an averaging algorithm.

47. (Original) The system of Claim 46 wherein said profile includes data on a plurality of demographic categories, each associated with a rating, and the system further comprises means for filling in a value for the rating for any demographic category having a low confidence measure.

48. (Original) The system of Claim 47 wherein filling in a value comprises using an average rating of persons having similar profiles to that of said person for a category having a low confidence measure.

49. (Original) The system of Claim 48 wherein said average rating is determined using a clustering algorithm.

50. (Original) The system of Claim 32 further comprising means for erasing records of which Web sites said person has visited after developing the person's profile to protect user privacy.

51. (Original) The system of Claim 32 further comprising means for monitoring how long the advertisement is displayed to the user.

52. (Original) The system of Claim 32 further comprising means for monitoring whether the user has clicked-through the advertisement.

53. (Previously presented) A computer readable medium comprising a program for profiling a Web user by performing the steps of:

monitoring user access to a plurality of Web sites having predetermined profiles by identifying the Uniform Resource Locator (URL) request made by the user at the Internet Service Provider (ISP) point of presence (POP); and

developing a profile of the user by inferring demographics of the user based on the profiles of the Web sites accessed by the user.

54. (Original) The computer readable medium of Claim 53 wherein the medium comprises a removable memory.

55. (Original) The computer readable medium of Claim 53 wherein the medium comprises a signal transmission.

56. (Previously presented) A computerized method of profiling Web users and selectively delivering content to said users, comprising:

providing profiles of a plurality of Web sites, said profiles including demographic data of persons known to have visited said sites;

electronically monitoring each users access of said plurality of Web sites by identifying the Uniform Resource Locator (URL) request made by the user at the Internet Service Provider (ISP) point of presence (POP);

developing a profile of each user by inferring demographics of the user based on the profiles of the Web sites visited by the user;

identifying a target group of said users who would be receptive to receiving certain content based on their profiles; and

selectively delivering the content to users of that target group.

57. (Original) The computerized method of Claim 56 wherein said content comprises advertisements.

58. (Original) The computerized method of Claim 57 wherein said advertisements comprises a pop-up advertisements.

59. (Original) The computerized method of Claim 58 wherein said advertisements comprises a banner advertisements.

60. (Original) The computerized method of Claim 58 further comprising monitoring how long the content is displayed to the user.

61. (Original) The computerized method of Claim 60 further comprising monitoring whether the user has clicked-through the content.

62. (Original) The computerized method of Claim 56 further comprising adjusting the target group to optimize user responsiveness to the content.

63. (Original) The computerized method of Claim 62 wherein said content comprises an advertisement, and determining user responsiveness to the content comprises determining how many users have clicked-through the advertisement.

## **EVIDENCE APPENDIX**

None

## RELATED PROCEEDINGS APPENDIX

None